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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
MARLON DANIEL SMITH,  
  
Defendant.

No. CR 08-117 VRW

~~[PROPOSED]~~ ORDER EXCLUDING  
TIME FROM APRIL 2, 2009 THROUGH  
MAY 7, 2009

The defendant, MARLON DANIEL SMITH, represented by Gilbert Eisenberg, and the government, represented by Tarek J. Helou, appeared before the Court on April 2, 2009 for the parties' initial status conference in district court. Defense counsel represented that he needed additional time to investigate the case and requested a continuance of the matter.

The matter was continued to May 7, 2009 at 2:00 p.m. for a change of plea hearing or to set further proceedings. Counsel for the defendant requested that time be excluded under the Speedy Trial Act from April 2, 2009 through May 7, 2009 because he needed that amount of time to conduct necessary investigation in the case. The government stated it had no objection to excluding time.

1 Based upon the representation of counsel and for good cause shown, the Court finds that  
2 failing to exclude the time from April 2, 2009 through May 7, 2009 would unreasonably deny the  
3 defendant the reasonable time necessary for effective preparation of his counsel, taking into  
4 account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The Court further finds  
5 that the ends of justice served by excluding the time from April 2, 2009 through May 7, 2009  
6 from computation under the Speedy Trial Act outweigh the best interests of the public and the  
7 defendant in a speedy trial. Therefore, IT IS HEREBY ORDERED that the time from April 2,  
8 2009 through May 7, 2009 shall be excluded from computation under the Speedy Trial Act. 18  
9 U.S.C. § 3161(h)(7)(A) and (B)(iv).

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12 DATED: April 16, 2009

